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6 *Attorneys for Defendant Chase Bank*
7 *USA, N.A. (erroneously sued herein as*
“JPMorgan Chase Co.”)

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF WASHINGTON
AT YAKIMA

10 GARY ZIEGLER,)	
)	
11 Plaintiff,)	No. 1:18-cv-03145
)	
12 v.)	NOTICE OF REMOVAL TO
)	FEDERAL COURT
13 JPMORGAN CHASE CO.,)	
)	
14 Defendant.)	
)	
15 _____)	

16 Defendant Chase Bank USA, N.A. (erroneously sued herein as “JPMorgan
17 Chase Co.”) (“**Chase**”), by and through its undersigned counsel, hereby removes
18 the above-captioned action, currently pending in the District Court of
19 Washington for Yakima County, to the United States District Court for the
20 Eastern District of Washington. Removal is based on 28 U.S.C. §§ 1331 (federal
21 question jurisdiction) and authorized by 28 U.S.C. §§ 1441 and 1446. As grounds
22 for removal, Chase states:

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No. 1:18-cv-03145

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1 **I. BACKGROUND**

2 1. On or about July 9, 2018, Plaintiff Gary Ziegler (“**Plaintiff**”)
3 commenced this action by filing a Small Claim and Notice of Mediation Hearing
4 (the “**Complaint**”) against Chase in the District Court of Washington for Yakima
5 County (the “**State Court Action**”).

6 2. On or about July 11, 2018, Chase received a copy of the Complaint.

7 3. In the Complaint, Plaintiff alleges one claim, a violation of the
8 federal Fair Credit Billing Act, 15 U.S.C. § 1666 *et seq.* (“**FCBA**”).

9 **II. STATUTORY REQUIREMENTS**

10 4. Removal of this case is proper pursuant to this Court’s federal
11 question jurisdiction under 28 U.S.C. § 1331, which provides federal district
12 courts with original jurisdictions of all civil actions arising under the
13 Constitution, laws, or treaties of the United States. Plaintiff’s FCBA allegation
14 arises under the laws of the United States. *See* 15 U.S.C. § 1666 *et seq.*

15 **III. PROCEDURAL REQUIREMENTS**

16 5. Removal to this Court is Proper. Pursuant to 28 U.S.C. §§ 1441(a)-
17 (b) and 1446(a), Chase files this Notice of Removal in the United States District
18 Court for the Eastern District of Washington, which is the federal district court
19 embracing the state court where Plaintiff has brought the State Court Action -
20 Yakima County, Washington. Venue is proper in this district pursuant to 28
21 U.S.C. 1391(a) and 28 U.S.C. 128(b).

22
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1 6. Removal is Timely. The Complaint was received by Chase on July
2 11, 2018. Chase has filed this Notice within 30 days after receipt or service of
3 the Complaint in the State Court Action, and as such, removal is timely. *See* 28
4 U.S.C. § 1446(b)(2)(B).

5 7. Consent. Chase is the only defendant in this action; therefore,
6 consent of other defendants to removal of the State Court Action is not required.

7 8. Bond and Verification. Pursuant to Section 1016 of the Judicial
8 Improvements and Access to Justice Act of 1988, no bond is required in
9 connection with this Notice of Removal. Pursuant to Section 1016 of the Act,
10 this Notice need not be verified.

11 9. Signature. This Notice of Removal is signed pursuant to Federal
12 Rule of Civil Procedure 11. *See* 28 U.S.C. § 1446(a).

13 10. Pleadings and Process. A true and correct copy of the current docket
14 sheet in the State Court Action is attached to the Declaration of James Zack in
15 Support of Notice of Removal to Federal Court as Exhibit A. *See* 28 U.S.C. §
16 1446(a). Chase has paid the appropriate filing fee to the Clerk of this Court upon
17 the filing of this Notice.

18 11. Notice. Chase will promptly serve Plaintiff and file with this Court
19 their Notice of Removal to All Adverse Parties, informing Plaintiff that this
20 matter has been removed to federal court. *See* 28 U.S.C. §§ 1446(a), (d). Chase
21 will also promptly file with the Clerk of the District Court of Washington for
22 Yakima County, and serve on Plaintiff, a Notice to Clerk of Removal to Federal

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1 Court, pursuant to 28 U.S.C. § 1446(d).

2 WHEREFORE, this action should proceed in the United States District
3 Court for the Eastern District of Washington, as an action properly removed
4 thereto.

5 DATED: August 1, 2018

6 LANE POWELL PC

7
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CERTIFICATE OF SERVICE

I hereby certify that on the day indicated below I caused the foregoing document to be filed with the Clerk of the Court via the CM/ECF System, which will notify and provide service to all attorneys and parties of record.

In addition, I hereby certify that I mailed the foregoing document via United States Postal Service to the following non-CM/ECF participants:

Mr. Gary Ziegler
7601 State Route 410
Naches, WA 98937

DATED this 1st day of August, 2018.

s/ Peter Elton
Peter Elton
Legal Assistant

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